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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM PONCE,

Defendant and Appellant.

A106703

**(San Mateo County
Super. Ct. No. SC54514A)**

Appellant William Ponce appeals from his conviction, following a plea of nolo contendere, on one count charging that appellant failed to register after suffering a felony conviction as a sex offender. (Pen. Code, § 290, subd. (g)(2).) His appellate counsel has raised no issues on appeal, and asks this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) We find no errors or other issues requiring further briefing, and affirm.

On September 3, 2003, an information was filed charging appellant with two counts, as follows: failure to register after suffering a felony conviction for a sex offense (Pen. Code, § 290, subd. (g)(2)), a felony, count one; and identifying himself falsely to a police officer (Pen. Code, § 148.9, subd. (a)), a misdemeanor, count two. The information also included numerous prior felony conviction allegations: a conviction for violation of Penal Code section 288, subdivision (a), a lewd act on a child, a girl aged 12; a conviction for violation of Health and Safety Code section 11379, transportation of a controlled substance; and a conviction for violation of Health and Safety Code section 11383, subdivision (c), possession of pseudophedrine for purposes of manufacturing

methamphetamine. It was likewise alleged that appellant's conviction for violation of Penal Code section 288, subdivision (a), qualified as a serious felony or strike conviction for purposes of the three strikes law, Penal Code section 1170.12, subdivision (c)(1), and that appellant had suffered a felony conviction within five years of his release from prison under Penal Code section 667.5, subdivision (b).

On January 5, 2004, appellant entered into a negotiated plea agreement, under which he pled nolo contendere to count one and admitted the prior conviction allegations. The remaining count would be dismissed, and a prison sentence of not more than four years was to be imposed. It was also agreed that appellant could bring a motion to strike the prior strike conviction at sentencing. Appellant waived his rights at the time he entered his plea of nolo contendere.

At the sentencing hearing, the trial court declined to strike the prior strike conviction, and imposed the middle term sentence of two years in state prison, doubled pursuant to the three strikes law, for an aggregate term of four years, in accord with the plea agreement.

Appellant was represented by counsel throughout the proceedings. There was no error in the sentence imposed, which was in accord with the plea bargain. The trial court did not abuse its discretion in declining to strike the strike conviction. Consequently, appellant received due process and a fair hearing, and we find no legal issues that require further briefing.

DISPOSITION

The judgment of conviction is affirmed.

STEVENS, Acting P.J.

We concur.

SIMONS, J.

GEMELLO, J.